

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMAR POWELL,

Plaintiff,

-against-

FISHKILL CORRECTIONAL FACILITY  
(DEPARTMENT OF CORRECTIONS), ET  
AL.

Defendants.

23-CV-9804 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated December 1, 2023, the Court directed Plaintiff, within thirty days, to submit an amended application to proceed *in forma pauperis* (“IFP”) or pay the \$402.00 in fees required to file a civil action in this court.<sup>1</sup> That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an amended IFP application or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

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<sup>1</sup> On December 1, 2023, the fees to bring a civil action increased to \$405.00. Because Plaintiff filed this action on November 3, 2023, the previous amount of fees – \$402.00 – applies to this action.

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: February 7, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge